

REMARKS

This Amendment and Response to Non-Final Office Action is being submitted in response to the non-final Office Action mailed September 6, 2005. Claims 1-20 are pending in the Application. Claim 10 stands rejected under 35 U.S.C. 101 as being directed to nonstatutory subject matter. Claims 1-5, 11, 12, and 20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Balne (U.S. Pat. No. 3,068,002). Claims 13-15, 17, and 18 stand rejected under 35 U.S.C. 102(b) as being anticipated by Davidson (U.S. Pat. No. 5,674,159). Claims 6 and 7 stand rejected under 35 U.S.C. 102(e) as being anticipated by Simonson (U.S. Pat. No. 6,770,015). Claim 9 stands rejected under 35 U.S.C. 102(b) as being anticipated by Clark (U.S. Pat. No. 5,234,392). Claim 16 stands rejected under 35 U.S.C. 102(b) as being anticipated by Goodwin (U.S. Pat. No. 2,951,702). Claim 8 stands rejected under 35 U.S.C. 103(a) as being anticipated by Balne (U.S. Pat. No. 3,068,002) in view of Knudsen et al. (U.S. Pat. App. No. 2004/0069132).

Applicant notes that each of the references cited by the Examiner disclose exercise devices, and not birthing aides. While Applicant expresses skepticism as to whether these references are actually in the same field of endeavor, in response to these rejections, claims 1-20 have been cancelled and new claims 21-39 have been added. New claims 21-39 further clarify, and more distinctly claim, the subject matter, which Applicant regards as the invention, without prejudice or disclaimer to continued examination on the merits. These amendments are fully supported in the Specification, Drawings, and Claims of the Application and no new matter has been added. Based upon the amendments, reconsideration of the Application is respectfully requested in view of the following remarks.

DRAWING OBJECTIONS:

The Examiner objects to the drawings under 37 CFR 1.83(a). Specifically, the Examiner states that the drawings must show every feature of the invention specified in the claims. The Applicant has submitted a new claim set, in which the apparatus is no longer claimed. In light of the new claim set, Applicant submits that the drawings are adequate in their current form. Withdrawal of this rejection is therefore respectfully requested.

SPECIFICATION OBJECTIONS:

The Abstract was objected to due to informalities. The Applicant has submitted a new Abstract addressing the Examiner's concerns.

The Applicant has amended the title on page 3 of the Application as filed so as to eliminate a spelling error.

Claim Objections:

Claims 1, 5, and 17 stand objected due to informalities. Claims 1, 5, and 17 have been cancelled. Withdrawal of this objection is therefore respectfully requested.

Claim 19 stands objected due to informalities. Claim 19 has been cancelled. Withdrawal of this objection is therefore respectfully requested.

Rejection of Claim 10 Under 35 U.S.C. 101:

Claim 10 stands rejected under 35 U.S.C. 101 as being directed to nonstatutory subject matter.

Applicant has cancelled Claim 10. Withdrawal of this rejection is therefore respectfully requested.

Rejection of Claims 1-5, 11, 12, and 20 Under 35 U.S.C. 102(b) - Balne:

Claims 1-5, 11, 12, and 20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Balne (U.S. Pat. No. 3,068,002).

Applicant has cancelled claims 1-5, 11, 12, and 20. Withdrawal of this rejection is therefore respectfully requested.

Rejection of Claims 13-15, 17, and 18 Under 35 U.S.C. 102(b) - Davidson:

Claims 13-15, 17, and 18 stand rejected under 35 U.S.C. 102(b) as being anticipated by Davidson (U.S. Pat. No. 5,674,159).

Applicant has cancelled claims 13-15, 17, and 18. Withdrawal of this rejection is therefore respectfully requested.

Rejection of Claims 6 and 7 Under 35 U.S.C. 102(e) - Simonson:

Claims 6 and 7 stand rejected under 35 U.S.C. 102(e) as being anticipated by Simonson (U.S. Pat. No. 6,770,015).

Applicant has cancelled claims 6 and 7. Withdrawal of this rejection is therefore respectfully requested.

Rejection of Claim 9 Under 35 U.S.C. 102(b) - Clark:

Claim 9 stands rejected under 35 U.S.C. 102(b) as being anticipated by Clark (U.S. Pat. No. 5,234,392).

Applicant has cancelled claim 9. Withdrawal of this rejection is therefore respectfully requested.

Rejection of Claim 16 Under 35 U.S.C. 102(b) - Goodwin:

Claim 16 stands rejected under 35 U.S.C. 102(b) as being anticipated by Goodwin (U.S. Pat. No. 2,951,702).

Applicant has cancelled claim 16. Withdrawal of this rejection is therefore respectfully requested.

Rejection of Claim 16 Under 35 U.S.C. 103(a) – Balne in view of Knudsen et al.:

Claim 8 stands rejected under 35 U.S.C. 103(a) as being anticipated by Balne (U.S. Pat. No. 3,068,002) in view of Knudsen et al. (U.S. Pat. App. No. 2004/0069132).

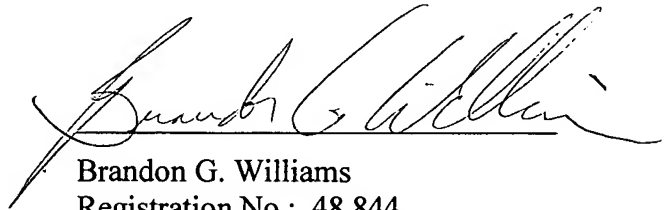
Applicant has cancelled claim 8. Withdrawal of this rejection is therefore respectfully requested.

CONCLUSION

Applicant would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

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